

HAMILTON COUNTY BOARD OF COMMISSIONERS  
FEBRUARY 25, 2008

The Hamilton County Board of Commissioners met on Monday, February 25, 2008 in the Commissioners Courtroom in the Hamilton County Government and Judicial Center, One Hamilton County Square, Noblesville, Indiana. The Commissioners met in Executive Session in Conference Room 1A at 12:15 p.m. President Altman called the public session to order at 1:00 p.m. and declared a quorum present of Commissioner Christine Altman, Commissioner Steven C. Dillinger and Commissioner Steven A. Holt. The Pledge of Allegiance was recited.

**Approval of Minutes**

Holt motioned to approve the minutes of January 28, 2008, January 31, 2008 and February 11, 2008. Altman seconded. Motion carried. Dillinger abstained.

**Spring Run Estates Request for Variance**

Mr. Mark Monroe, Attorney with offices at 8900 Keystone Crossing, represented Catherine and Don Dunbar owners of Lot 25 and part of Lot 26 in Spring Run Estates in Clay Township. Monroe stated these lots back up to the Crooked Stick Golf Course. As part of the Dunbar's purchase of the property they plan to expand the residence with a detached garage adjacent to the driveway. When they received their permits from the City of Carmel they found they needed to re-plat the property (combine Lot 25 and 26 into one lot). They filed the re-plat with the City of Carmel and have obtained every governmental agency's approval except for the highway department. We have discussed the right of way dedication with Jim Neal and Dave Lucas of the Hamilton County Highway Department. In 1966, when this area was developed 40 feet of right of way was dedicated to the county as part of the plat and at the same time a wrought iron and brick pillar fence was constructed which runs the southern border of the Dunbar property. The fence is approximately 265 feet long and as part of the re-plat the highway department requested we dedicate 10 additional feet. After discussions with Jim and Dave we found they have no objections because there is adequate right of way on 106<sup>th</sup> Street and the additional right of way would cause the wrought iron fence and the brick wall to be demolished or removed. These matters were discussed with the City of Carmel and this area will likely be annexed by Carmel within the next couple of years and they have no objections to this variance. Altman stated the re-plat did not add any extra burden on existing public service or roadway? Monroe stated correct. Neal stated the highway department has no opinion it is not within our authority to waive right of way requirements. Neal stated this is not a major route on the Carmel Thoroughfare Plan. Holt motioned to grant the variance. Dillinger seconded. Motion carried unanimously.

**Plat Approval [1:22]**

**Spring Run Estates**

**Treesdale**

**Rosado Hill**

Mr. Dave Lucas, Hamilton County Highway Department, recommended approval of the plats for Spring Run Estates, Treesdale and Rosado Hill. Holt asked for more information on Rosado Hill. Lucas stated it is located on the southeast corner of 106<sup>th</sup> Street and Springmill Road. There are two existing residences on two lots. They are demolishing the existing residences and splitting it into three lots and building three homes. Holt asked what is the acreage? Lucas stated approximately 4.2 acres with a large amount of common area and a 65 foot half right of way. Holt motioned to approve all three plats. Dillinger seconded. Motion carried unanimously.

**Highway Business [1:25]**

**Acceptance of Bonds/Letters of Credit – Highway Department**

Neal requested acceptance of a Bond for the highway department. 1) HCHD #B-08-0001 – Safeco Insurance Company of America Performance Bond #6539855 issued on behalf of T-Mobile Central LLC in the sum of \$5,000 for permit #COMDR-2007-004. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

**Release of Bonds/Letters of Credit – Highway Department**

Neal requested approval of the release of Bonds and Letters of Credit for the highway department. 1) HCHD #B-07-0003 – Travelers Casualty and Surety Company Performance Bond #104846806 issued on behalf of T-Mobile Central LLC for \$5,000. Hamilton County Highway Department Permit #COMDR-2007-004. 2) HCHD #B-03-0124 – Travelers Casualty and Surety Company Annual Bond #400SV2222 issued on behalf of English Excavating & Plumbing Co., Inc. for \$25,000. Blanket Permit for work in county right of way. 3) HCHD #B-05-0087 – Safeco Insurance Company Permit Bond #6380772 issued on behalf of KRG Construction, LLC for \$282,223.50. Construction entrances on 146<sup>th</sup> Street and Gray Road at Bridgewater Marketplace. 4) HCHD #B-06-0044 – Cincinnati Insurance Company Permit Bond #0495476 issued on behalf of English Catalyst Construction Management, Inc. for \$39,000 right of way license bond. 5) HCHD #B-06-0035 – Erie Insurance Company Permit Bond #Q925970224R issued on behalf of Vision Builders LLC for \$40,000. Driveway Permit COMDR-2006-015. 6) HCHd #B-06-0016 – The Continental Insurance Company Subdivision Bond #929388759 issued on behalf of M/I Homes L.P. \$6,000. Hillsdale Grove Docket No. 2005-54387. 7) HCHD #B-05-0019 – Developers Surety and Indemnity Company Subdivision Bond #716264S issued on behalf of R.N. Thompson Development Corporation \$125,706. Silverstone Drive entrance at Olio Road – Hawks Landing at Gray Eagle, Section 2 Noblesville.

**Agreements/Supplements [1:26]**

**101<sup>st</sup> Street Project Utility Agreement**

Neal requested approval of Utility Agreement M-08-0005 with Embarq for Hamilton County 101<sup>st</sup> Street Project. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

**Concurrence with Traffic Study Correspondence**

Neal requested approval of a list of correspondence concerning investigations of requests for signage on Hamilton County Roads. 1) Mindi L. Schmollinger concerning Greenfield Avenue, Campus Parkway, Boden Road, 146<sup>th</sup> Street in Wayne and Fall Creek Townships. 2) Marcia & Dave Broman concerning 136<sup>th</sup> and Cyntheanne Road in Fall Creek Township. 3-5) William Asbury, Keith Conaway and Edwin H. Tancock concerning multi-way Stop, Traffic Signal, Additional Signage, etc. on 136<sup>th</sup> Street and Cyntheanne Road. 6) Dan Schoenherr concerning signal timing at 96<sup>th</sup> Street and Cumberland Road in Fall Creek Township. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

**Official Action**

**136<sup>th</sup> Street & Cyntheanne Road**

Neal requested approval of the official action to install regulatory signs at 136<sup>th</sup> Street & Cyntheanne Road in Fall Creek Township. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

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**Bid Award**

**Dump Truck**

Mr. Brad Davis recommended the bid for the purchase of one Dump Truck be awarded to Stoops Freightliner-Quality Trailer, Inc. for \$168,400.00. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

**Interlocal Agreement with Marion County**

Davis stated he received an e-mail this morning that Marion County has the originals of the Interlocal Agreement, their attorney has signed them and it is tentatively scheduled for the March 12, 2008 DPW review. Altman stated Joanne Senators has agreed to sponsor the agreement.

**Olio Road and I-69 Bridge Draft Agreement**

Davis stated he has received a draft agreement for the Olio Road and I-69 bridge and they are working on revising it.

**Riverwalk Update**

Davis stated Synsis Corporation was awarded the Riverwalk construction project. Neal stated Phase 1 consists of a walkway starting at the north parking lot and continues under the SR 32 bridge, with a retaining wall under the bridge along the river. Along the north side of the bridge is a walk that is parallel to SR 32 to a landing behind the stairs of the Judicial Center with a large retaining road faced in stone. There will be a lot of lighting and large urns for plantings. Phase 2 will take the sidewalk from where it terminates by the river, along the river underneath Logan Street to another landing to mirror where the trail comes across the river. Davis stated he and Al Patterson worked with Jan Powell on the federal aid funding application for the Monon Greenway for Riverwalk 2. They still need the letters of endorsement from the MPO. Holt asked if the Monon is 216<sup>th</sup> or 191<sup>st</sup>? Davis stated it has been moved to 161<sup>st</sup> Street. Altman stated during a conference call between Jan (Powell), Brad (Davis) and herself an idea was discussed that in future grants asking for a community type grant where the proceeds would be granted to Hamilton County but if they want to do streetscape lighting in a community we could work on an 80/20 basis with them to help smaller communities with the small types of improvements that might make a big difference for that community. Jan will look at that to see if it makes sense. The Visitor's Bureau has started that with their community development grants with things we can't do through the HUD grant but would make a world of difference in bringing the economies of Arcadia, Atlanta and other small communities a kick start with development. Holt and Dillinger agreed.

**Highway Meeting**

Davis stated there is a highway meeting scheduled for this Friday to review the 5-year bridge plan and possible selections. Both items could wait. Altman can not attend. Holt would like to wait and asked Davis to work with Fred Swift on rescheduling the meeting.

**Corrections Complex Project [1:35]**

Mr. Mike Howard updated the Commissioners on the closing of the Corrections Complex Project Bonds. Howard stated the closing was completed February 19, 2008. This project has been very budget conscience. These Bonds were financed at an average percentage rate of 4.5%. When we started the financing we estimated the annual payments could be as high as \$6 million per year for 22 years. The schedule shows the maximum lease rental payment at \$3.55 million or over \$540,000 per year in savings. Part of this was because the use of Bond Anticipation Notes (BAN). This will save \$11,800,000.

Mr. John Barbee updated the Commissioners on the Corrections Complex project. Barbee stated four weeks of construction have been lost due to the weather, the temporary enclosure and working on Saturdays has helped make up some of those days. We are anticipating the addition will be two weeks late but the goal is to gain the two weeks when we start the renovation in the medical area, which is the existing intake holding area. The Services Building originally lost 10 weeks due to the delivery of pre-engineered building, we are now scheduled the end of March which is 10 days, 2 weeks behind the original schedule. There was overtime and premium costs but those costs have gone back to the contractor who was responsible for the original 10 week delay. Phase 2 was the early foundation package for the Community Corrections building and is essentially complete. There is stone fill to be put on the building, but we have been unable to do that due to weather conditions. To close out the contract we are looking at a deducting and adding it with our Phase 3 contractors. Phase 3 – Community Corrections Building is on schedule and we are waiting on the pre-cast to be delivered. It will take about four weeks to erect the walls, but will go relatively quick. The 911 and EMA addition is about 1-2 weeks behind due to the weather. The foundations and basement walls are all poured concrete. Barbee stated \$993,000 is left in the contingency fund.

Barbee requested approval of change orders. 1) Phase I – Gaylor Group for temporary electric service for the temporary kitchen at a not to exceed of \$37,000. 2) Phase III – Meyer Najem Construction to change access flooring finish in Dispatch Center/Equipment Room in the amount of \$15,970; Jack Laurie Commercial Flooring to delete VCT in Dispatch Center/ Equipment Room for a deduction of \$9,694 for a total net cost of \$6,276; and Meyer Najem Construction or Gaylor Group to provide and install hand dryers in all bathrooms (qty 31) for a not to exceed of \$14,645. Barbee stated while working in the existing jail pods one of the electricians was shocked touching a light fixture, as it was investigated we found the wiring insulation was so hot and had burnt off and been exposed, this is an existing fire hazard that has to be corrected. Gaylor is on site and has lifts on premises; their proposals are in the \$15,000 to \$20,000 range. Barbee asked if we want to run this expenditure through the Bond or send it to Buildings and Grounds to get an additional appropriation. Howard stated given our contingency we can absorb it so he recommended taking it through the Bond. Barbee stated the not to exceed of \$37,000 for Gaylor Group does not come out contingency, it is a budgeted line item. Dillinger motioned to approve the changes. Holt seconded. Motion carried unanimously.

**Employee Parking [1:52]**

Barbee stated at the last meeting we established the methodology to be used for the population and employee projections. It was requested we execute the employee parking needs analysis immediately. Barbee clarified that this is employee parking only; they are still tallying up the public parking within a three to four block radius around downtown. They can bring back the amount of available public parking but how much public parking needed is a tough number to nail down. There are 1,000 to 1,200 people per day who come into the Judicial Center. We don't know where they are going, how long they are here, if they are coming in multiple times, what departments they are seeing, etc. Barbee stated they did a comparison of what the current employee parking is and the future county employee parking that will be needed. We also looked at the current parking lot capacity and the potential parking that lot can

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house. The City of Noblesville Logan Street parking lot was included in the totals as the county pays for parking spots in this lot. There are a total of 46 spaces. The First Indiana Bank Building lot currently can house 26 cars if the plans to raze the building and expand parking it will hold 78 spaces. The North parking lot across from the First Indiana Bank building houses 57 spaces and the South parking lot house 218 spaces, there could be more spaces available with the house gone for a total of 237 spaces on the South lot. Warner stated the house is down and has been paved for parking. Barbee stated the only lots that could expand are the South lot, which has been expanded to 237 and the First Indiana Bank Building lot. This tells us that with building out all potential employee parking spaces in 2007 we have met the employee needs with one parking space per employee. In 2010 it is at .8; 2015 at .7; and down. We obviously have a parking need that needs accommodated in our options. This will have public space incorporated in future reports. Altman asked what does this mean? Barbee stated you do not have enough parking spaces for your employees today and you need more parking. Altman asked do we know how much more we need? Barbee stated our next step is to bring options on where to locate county offices, where to keep court offices whether they are downtown, offsite or not. If they go offsite employees go with those and the parking needs downtown go with them and the parking needs decrease. This is based on the assumption that everything is staying downtown, we need spaces today. Holt would like to know what that number is. Barbee will e-mail that to the Commissioners. Howard would like an absolute number and also the visitor parking issues within the next two weeks. Barbee stated they will evaluate the available public parking is, paid or unpaid within the 3 or 4 block radius. The biggest unknown factor is that we know we have 1,000 to 1,200 people coming in the front door each day but we don't know if they are for five minutes or two hours or if they are coming in multiple times or what office they are visiting. Assumptions can be made off of the total numbers. Altman stated the total numbers are based on the people going through the metal detector? Barbee stated yes, it does not include employees. Howard stated it does not include the public visits to the old courthouse? Barbee stated correct. Altman stated we don't have a count on the old courthouse? Barbee stated we don't have a way to count the old courthouse.

Barbee asked when do the Commissioners want the deadline for the final study? Dillinger asked what is a reasonable time for completion? Barbee stated he believes two more meetings, the end of March. Dillinger asked if this is for everything? Barbee stated yes. Mr. Larry Dawson stated everything is parking issues and they can not be finalized without addressing the office population issues. We have divided the downtown county employees into two groups, one is courts and court related – this is the direction they have been given since 1989 is that all court functions would stay downtown and be centrally located. There is an equally big population in non-court downtown employees in the facility. They are planning on bringing back what they see as the office space projected requirements for the population we see Hamilton County and the subsequent employees going to. What your choices are on those cases so you can decide where you want them located and then we will be able to finalize a project scope and budget for the options downtown and non downtown to match up to whatever your choices are on those two locations. Then we can give you parameters on what you would need to build. For example if your choice is to stay downtown, what parking facilities you would need to build and what office accommodations for expansion you would need to build; where we would put those downtown, how the courts can always stay downtown and if the county offices stay downtown then we have a huge increase of population for employees downtown. If they don't stay downtown and could be remotely located on a campus then we have an entirely different set of parameters. That is a choice for the Commissioners to make with us bringing both solutions to you. We believe we are in a position with the team we could bring back solutions by mid April. Dillinger asked where did any notion of anything but keeping everything downtown come from? Dawson stated we feel that we needed to give an alternative solution. Dillinger stated he has no interest in looking at anything outside of town. We made a commitment when we built this building here. We made a commitment when the city built their building and they made a commitment to us that we were going to keep our downtown intake and our government entities downtown. Dillinger stated speaking only for himself; he would not want them to waste time on other locations. Holt concurred. Altman stated she assumes you would be better invested in time to look at maximizing existing property ownership verses the core center? Altman asked if we are better served to look at expansion options on either side or behind us? Dillinger stated yes, that has always been their plan. He does not want them to waste time on something they will not consider. Dillinger stated we need to report something to the Noblesville Downtown Study Committee. Swift stated their next meeting is March 4. Dillinger stated even though we are not finished would it be a good time to introduce some things to them? Dillinger stated he will contact Dawson. Altman stated if anything went off site it would be parking. Dillinger stated particularly jury parking. Altman stated or county shuttles for employees. Dillinger stated mid April is a good target date.

**Unsafe Structure Hearing [2:04]**

**15173 Middletown Avenue**

Ms. Linda Burdett, Hamilton County Plan Commission, stated the property at 15173 Middletown Avenue was given a Notice of Order of an unsafe structure on February 4, 2008. They have received an e-mail from IndyMac Bank listing what they had done to secure the structure. The building inspector looked at the building this morning and took pictures. The plywood is coming off of the building, the house is secure but the open area for an enclosed porch is not secure. There is insulation and debris in this open area. Burdett stated she did contact the bank this afternoon and asked if what they had done up to this point was their intention as far as they are done with this. They indicated they had received pictures from the contractor and it looked like everything had been secured. Burdett has sent the current pictures to the bank so they could re-issue an order for another contractor to secure the building. Altman asked what banks are involved? Burdett stated Deutsche Bank National Trust Company, IndyMac Bank, and Jerilyn Southwick of Feiwell & Hannoy. Holt motioned to table until the next meeting to give IndyMac an opportunity to get their contractor back out. Altman asked for more discussion. Altman stated she is concerned that we send the appropriate message. Altman asked if they received a response from Deutsche Bank? Burdett stated no, she called IndyMac last week and asked if they were going to send any representatives to this meeting and they said no. Howard stated it depends on the priority of the liens. Howard stated the fact that they are acting jointly he would not take consternation but he would take some consternation that these people need to understand that if this is their contractor's best work they need to find a new contractor. Howard suggested they be told it needs to be complete and permanent by two weeks from today or our contractor will secure it. Altman stated she agrees with counsel's opinion. Altman asked if in the tabling motion is their a motion to table provided we contact IndyMac Bank and let them know that action will be taken to secure the

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property at the next meeting if it is not secured to our satisfaction in the interim? Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

**Insurance Renewals [2:10]**

Mr. John Elmer requested approval of insurance renewals for the employee benefit plans; Stop Loss Insurance, Medical and Prescription Plan, Vision Plan and Short Term Disability Plan. Holt motioned to approve. Altman seconded. Motion carried unanimously.

Ms. Randall stated the increase in Short Term Disability will begin the first pay in April and she will send notice out to the employees. The Disability Plan is optional, they do not need to be on the disability plan to stay in the medical coverage.

Randall asked to schedule a meeting with the Commissioners to discuss the employee handbook revisions. The meeting will be scheduled for 11:30 a.m. March 11, 2008.

**Cell Phones**

Randall stated EMA, Buildings and Grounds, and the Health Department are interested in continuing service with Nextel. Altman stated that has been discussed and we approved them to continue with Nextel.

**Cell Phones – Parks Department**

Mr. Al Patterson stated the Parks Department has transferred their cell phone service from Nextel to AT&T at the county's request. We have a couple of employees, Al Patterson and Chris Stice, who had Blackberrys with e-mail access, under the Nextel plan. In reviewing the process he (Al) has gone back to a basic phone and is reviewing if that is the right decision. Patterson requested approval to add the media package which allows e-mail and internet access to four of our work phones, Chris Stice, Bruce Oldham and possibly add Amanda Smith and him if they determine the media package works for Stice and Oldham. Patterson stated request #2 is those phones are upgrade phones, the free phones that are provided by the county are not capable of doing those things and it \$100 per phone. The phones are necessary for these people to do their jobs and they are business use only phones. Patterson requested the county pay the \$100 for the upgraded phones for those employees. Dillinger stated he does not have a problem with that if they are for county use only and it is what you need to operate properly. Dillinger motioned to approve the four phones. Holt seconded. Motion carried unanimously.

Randall stated different individuals want to review of the current legislation for cell phones as a taxable fringe benefit; they will bring a proposal within the next month. Howard asked who? Randall stated Senator Sam Johnson and Orel Pomperan, they are trying to encourage a new law called Law for Employee Cell Phone Act and it is going to end the IRS mandates for cell phone call in log sheets. The Bill will be introduced February 13, 2008.

**ISSD Purchase Orders [2:24]**

Ms. BJ Casali requested approval of Purchase Orders for a Dell server in the amount of \$25,193, funding is available. The second purchase order is for maintenance and support for the anti-virus software at a cost of \$10,200 for 800 users. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

Casali stated the Commissioners will be receiving a request for LifeLine Data Centers to have a second knock on disaster recovery. Altman asked if LifeLine is affiliated with anyone we are using now? Casali stated LifeLine is affiliated with all of the property on Henry Street.

**Buildings and Grounds [2:27]**

Mr. Scott Warner requested approval of the agreement with Mid-America Elevator for service on the elevators. The contract language has been changed to an annual renewal and it is cancelable and not automatically renewable. The second agreement is with Comfort System/Accu Temp for HVAC maintenance for EMA, the Fairgrounds, Highway and Household Hazardous Waste Center, the language has been changed to meet with the Commissioner's request. The third contract is with Sensory Technologies for the Commissioners Court Audio System annual maintenance. The fourth contract with Sentinel Alarm Systems for annual maintenance of the Highway Department's security alarm. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

**First Indiana Bank Building Demolition**

Warner stated he has received three (3) quotes for the demolition of the First Indiana Bank Building. The lowest cost was from ABC Contractors, Inc. in the amount of \$34,150. Other quotes were received from White River Rescue, Inc. in the amount of \$36,500 and Roudebush Excavating, inc. in the amount of \$37,000. The Asbestos Abatement quotes are from Delta Services - \$1,350; AIR Co. - \$1,500; and Specialty Systems, Inc. - \$1,768.54. Altman stated ABC Contractors quote includes a contingency on fill. Warner stated he has been working with the highway department on the recommended fill and they were waiting for the recommendation from the highway department. Altman stated there is no contingency on the White River quote for fill and the difference is about \$1,400. Warner stated the ABC quote is a not to exceed price, it is possible their cost could be less. Howard asked if they gave us a T&M quantity to get to that \$21,000? Warner stated the ABC quote states they will furnish fill material at a price not to exceed \$21,000, which is 3,000 tons at \$7.00 per ton. It includes the haul bill, sales tax and material. They estimate it will take 2200 to 2500 tons of material. They will give us a load ticket each day so we know how much tonnage is used. Warner stated he believes this is the best detail and the best price. Davis stated \$7.00 is a good price. Dillinger motioned to approve the recommendation. Holt seconded. Motion carried unanimously.

Warner stated they have plans to make the property available for parking as much as possible. There are two (2) days that parking will have to be closed. The goal is to remove the canopy of the ATM machine within two days and then cordon off that area from the bank east and allow the rest of the parking lot to stay open during the rest of the demolition.

**CDBG Grant Public Service Agreement - HAND**

Mr. Mark McConaghy requested approval of the public service contract with Hamilton County Area Neighborhood Development, Inc. (HAND) in the amount of \$50,000. Holt motioned to approve. Dillinger seconded. Altman asked if we recoup these funds? McConaghy stated no. Motion carried unanimously.

**Commissioner Committee Reports [2:52]**

**146<sup>th</sup> Street West**

Altman stated she has met with Mayor Brainard to review the 146<sup>th</sup> Street West plans. They liked the frontage road idea and asked us to look at roundabouts.

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**CIRTA**

Altman stated CIRTA may be sending people out to Washington DC to look for earmarks, if so and she goes she will represent Hamilton County and we will have to come up with a list of projects.

**Administrative Assistant**

**Hamilton County Convention and Visitors Bureau Release of Escrow**

Mr. Fred Swift stated the Hamilton County Convention and Visitors Bureau has requested a release of escrow funds held on the building located at 37 East Main Street, Carmel, Indiana. Holt motioned to approve. Dillinger seconded. Motion carried unanimously. The other issues (parking and public restrooms) addressed in their letter are being addressed by the Carmel Redevelopment Commission.

**Contingency Plans for Courts**

Swift stated Ollie Schierholz has requested permission to use the Fairgrounds Exhibition Hall for locating the courts if a disaster would strike the Judicial Center. Swift stated the Commissioners have already agreed that the Fairgrounds would be an auxiliary site if needed for county operations. Altman stated this is pre-mature, we need a countywide plan. Temporarily she does not have a problem with it but we are not going to piece meal approval of contingency plans. Holt concurred, but very likely the courts would end up at the Fairgrounds. Altman stated we may have more emphasis on keeping the county going and get assessed value at work for the overall good rather than looking at the court issues. Altman stated lets say if they want to say temporarily but we are going to hold approval on any plan until we have the county situated. Holt asked Swift if he has discussed this with EMA? Altman stated EMA's plan is to work with BJ (Casali) to get the countywide plan together. Holt asked if there is a timeline? Davis stated the next meeting is April 2. Holt stated the answer is that it is pre-mature.

**Extension of Vacation Time – Cary Woodward**

Swift stated Cary Woodward, Weights and Measures, has requested an extension of his vacation time. The policy states if you go beyond the first quarter of the year you loose your vacation time from last year. He has not been able to get all of his 2007 vacation time in, he has two weeks left. Altman stated she is not in favor of it. Dillinger and Holt do not have a problem with it. In a two man department, this is not unreasonable. Altman stated he is in charge and he sets his vacations. Mills stated what people don't understand is that this creates havoc with the time keeping system and this is why this was put into place and the policy was written. Holt asked if he could use this time in the first quarter of 2008 and then use his 2008 vacation time to attend the event? Altman stated yes. Dillinger stated he does not like to make exceptions, but sometimes exceptions are called for. This is a two man office. Altman stated you don't have pressing needs in Weights and Measures; it is not an emergency situation. It is a normal operation; he is in charge and can set his own vacation. Holt stated he was sympathetic because he thought he would be unable to attend the event, but this does not prevent him from going; he can use his 2008 time. No action taken.

**Trinity Baptist Church Prayer Service**

Swift stated the Trinity Baptist Church has requested use of the courthouse square on May 3, 2008 for a prayer service. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

**Hamilton County Bar Association**

Swift stated the Hamilton County Bar Association has requested permission to hold a candidates night in the Commissioners Courtroom on April 22, 2008. Holt asked if this is just for Judicial Candidates? Swift stated he believes it is for all candidates. Holt asked if it is conjunction with the League of Women Voters? Swift stated no. Holt stated he believes this is the co-event with the league of Women Voters and it is just for the judicial candidates. Holt motioned to approve and he declared a conflict that he is a member of the organization. Altman seconded. Motion carried unanimously.

**Noblesville Lions Club**

Swift stated the Noblesville Lions Club is requesting use of the courthouse lawn for their Pork Chop festival. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

**American Red Cross**

Swift stated the American Red Cross had requested March be designated as Red Cross month and fly the Red Cross flag. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

**Sheriff [3:06]**

**Building Project**

Sheriff Doug Carter asked the Commissioners if they want a monthly update of the corrections complex building project, similar to what was presented today by John Barbee or do you want him to schedule a site visit? Altman stated what John did was fine, but can he put together a report that the Sheriff could update us? Carter stated yes. Altman stated she would like a quick report at every meeting. Dillinger stated when the weather is nicer we need a walk-thru with the Commissioners.

**Auditor [3:08]**

**County Treasurer's Monthly Report**

Mills requested approval of the County Treasurer's Monthly Report dated January 31, 2008. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

**Release of Bonds/Letters of Credit – Drainage Board**

Mills requested release of Bonds and Letters of Credit for the drainage board. 1) HCDB-2005-00115 – Bond Safeguard Insurance Company Subdivision Bond #5019352 for Stanford Park Section 2 monumentation - \$8,520.00. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

**Acceptance of Bonds/Letters of Credit – Drainage Board**

Mills requested acceptance of a Bond for the drainage board. 1) HCDB-2008-00006 – Bond Safeguard Company Subdivision Bond No. 5031064 for Maple Village Section 3 storm drainage, monuments & markers - \$145,752.00. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

**Payroll Claims**

Mills requested approval of Payroll Claims for the period of January 28-February 10, 2008 paid February 22, 2008. Holt motioned to approve. Altman seconded. Motion carried unanimously.

**Vendor Claims**

Mills requested approval of Vendor Claims to be paid February 26, 2008. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

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**Attorney** [3:09]

**Jail Project Documents**

Mr. Mike Howard requested approval of the release of Retainage Escrow Funds from the Jail project for Teton Corporation and Calumet Asphalt. Howard requested approval of an agreement with JLCF for bid packages 9 and 22, floor coverings and tile in the amount of \$443,190 and a Retainage Agreement with Gibson Lewis, Lehmans, Keulkreuf Roofing, Meyer Najem and Art Iron, Inc. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

**Ordinance 02-25-08-A, Dirt and Debris on County Roads**

Howard introduced Ordinance 02-25-08-A, An Ordinance Prohibiting the Deposit of Dirt and Debris on Hamilton County Roads. Howard will forward the Ordinance to the Surveyor and Highway Department for review. Holt asked if an agriculture exception was considered? Howard stated no, that is something that needs to be discussed. Altman asked if we should have an entity cap on warnings? She does not want to send out warnings to the same people year after year. Holt stated he does not know how you would avoid this in agriculture, it is a mud issue. How is a farmer going to clean a county road? Dillinger stated he agrees with Holt, he does not know how they would manage it or what we would do about it. Dillinger motioned to introduce Ordinance 02-25-08-A and let's work on the language for an exception for agricultural use. Holt motioned to amend the motion for first reading to include an agriculture exemption prior to second reading. Dillinger accepted the amendment. Holt seconded the motion as amended. Motion carried unanimously. Davis asked if snow is considered debris, this would be for people who push the snow onto county roads from their driveways or parking lots. Holt asked if this would pertain to anyone who mows their yard and deposits the grass on the road instead of in the yard is in violation of the ordinance? Altman recommended the commissioners discuss their concerns with Howard.

**Bridge #224, Allisonville Road over Stony Creek**

Dillinger asked what decision were made on Bridge #224, Allisonville Road over Stony Creek? Dillinger asked how long will the bridge be closed? Altman stated the least restrictive option and our motion included that any further improvements would include pedestrian/bike walkways.

**Ironhorse Martial Arts**

Mr. Myron Gerber, owner of Ironhorse Martial Arts, puts on martial arts, mixed martial arts, and cage fighting events in Anderson. Gerber stated he is supposed to have a venue March 15 at the Noblesville Fairgrounds and he was just notified today that he can not have the event due to security reasons. Gerber stated he has already spent over \$4,000 in advertising and 425 tickets have been sold. This is the first show with no alcohol being sold. He is the only promoter that the Anderson Police Chief will sign off on to do a cage fight. He has a perfect record of no fights inside or outside his venues, it is professionally run. He has people from Michigan, Chicago, California and Kentucky coming to this event with hotel rooms reserved. This has been advertised for over two months. He has licensed armed police officers that come to his events. He has spoken with the Noblesville Police Chief to make sure everything was kosher. Noblesville will have armed officers at the venue. Altman asked how many officers will you have? Gerber stated two from Lapel, one from Daleville, and three from Noblesville. He also has 10 of his own security officers inside. Altman asked what liability insurance are you carrying? Gerber stated \$1 million. Howard asked who are the three officers? Gerber stated he does not know the names, the police chief stated he will have officers stop by in uniform and he has hired two or three officers. Howard asked Gerber to speak about breathalyzers. Gerber stated everyone one of his fighters are breathalyzed before they fight. Howard stated Lisa Hanni of the 4-H Grounds understood you were going to test everyone who came in the door. Gerber stated he can not breathalyze every person who comes in the door, he did not tell her that. Howard asked if there is a signed contract? Gerber stated no, Lisa Hanni told him he did not have to sign a contract or pay her until two weeks prior to the event. As soon as she locked him in he started to advertise. Altman stated as much as she dislikes what he promotes, she did not know the event was March 15, she did know the investment that has been made or what representation was made. Dillinger stated there are two issues, one is a long term issue – do we really want this kind of event at the fairgrounds and the second is a fairness issue to these gentlemen. Dillinger stated he will not support not letting them have the event. Altman asked if he is willing to cover the expense of our private security on site? Gerber stated yes, he has already spoken with Lisa about that and she said it was an additional \$125. Howard stated what kind of ratio do you have of sworn officers for each 100 people at the event? Gerber stated he has four or five armed officers plus 10-12 security of his own. There are about 400 people at the most. Howard stated that \$125 is per officer. Carter stated deputies are paid between \$30.00 to \$32.00 per hour at Verizon. Gerber stated at every cage fight we announce no tolerance, if we have a fight they are arrested and taken to jail. This is his sixth event and he has had no problems. Sheriff Carter stated he did not know anything about this event until 30 minutes ago. Dillinger stated he attends fight night twice a year and he has never seen any problems. He knows this event is more violent. Dillinger stated as long as the Sheriff feels comfortable with the security ratio, he would be comfortable with it. Altman stated it would not be fair to cancel it due to the investment. We need to make sure we secure our facilities and everyone has a safe time. Howard stated he just spoke with the Noblesville Police Chief and there is no definitive plan. Howard suggested if the Commissioners authorize this they require three additional officers on site. Holt asked what happens if 1500 people attend instead of the 400? Gerber stated he has never had more than 400 attend. Gerber stated they would be overwhelmed and he would ask the police officers in attendance to call more officers in. Dillinger asked Sheriff Carter what is their normal security force? Carter stated they normally assign 20 to 25 officers for a venue that holds 25,000. Carter stated the responsibilities are different because they don't go inside. Dillinger stated if he ends up with 600 people, how many officers would Sheriff Carter recommend? Carter stated six to eight at a minimum, law officers inside. Carter asked what time is the event? Gerber stated the doors open at 5:00 p.m. with the fights starting at 6:00 p.m. He has to be out of the building by 1:00 a.m. so he events usually conclude by 10:00 or 10:30 p.m. Carter stated he recommends the 10 security inside and at least six sworn officers outside. Altman asked Gerber if he can live with that? Gerber stated yes. Dillinger asked who would be in charge in this situation? Carter stated that could be problematic if something went wrong. Altman stated we will need a representative from the Fairgrounds there the whole time. Carter stated that would be maintenance. Dillinger asked if we would want one of our guys to be in charge? Carter stated he would have liked to have been notified but if that is something that Chief Russell has arranged, Howard stated he has not arranged anything, he found that there are no ordinances in the City of Noblesville that would prohibit it and he told him he would have hourly people available and there would probably be hourly people available from the Sheriff's Department. Dillinger stated he does not mind bringing officers in from

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Anderson but someone local should be in charge of it. Carter and Gerber agreed. Dillinger asked Carter to discuss this with Russell. Carter stated they will take responsibility for it. Dillinger motioned to allow them to work in this venue and Sheriff Carter will dictate the number of sworn officers that will be at that venue for security purposes. Altman seconded but she would like the provision that someone from the fairgrounds is there that controls the facility and no keys are released. The keys either go through the Sheriff or someone from the fairgrounds that will be at the event controlling the entrance and exit of the facility in terms of their going in and out. Gerber stated that is fair, that is what the Anderson Armory does. Motion carried unanimously.

Dillinger motioned to adjourn. Holt seconded. Motion carried unanimously.

**Commissioners Correspondence**

- Notice of Public Hearings
  - 146<sup>th</sup> and Allisonville Road – Fishers
  - Riverview Hospital (Kahlo Lot) - Noblesville
- DNR Notice of Finding of “No Historic Properties Affected”
  - Sheridan Downtown Commercial Historic District
- BLN Notice of Transmittals
  - Bridge No. 57, East 256<sup>th</sup> Street over Little Cicero Creek
  - Bridge No. 133, East 186<sup>th</sup> over Stony Creek
  - Bridge No. 224, Allisonville Road over Stony Creek
- IDEM Notice of Wastewater Business Permit
  - Honey Dipper’s, Inc. - Noblesville
  - Hoosier Portable Restrooms, Inc. - Indianapolis
- IDEM Notice Decision
  - Industrial Dielectrics, Inc. - Approval
  - Mar-Zane, Inc. - Approval
- IDEM Notice of Construction Permit Application
  - 131<sup>st</sup> Street Sanitary Sewer Extension – Carmel
  - Sanitary Sewer at 116<sup>th</sup> Street & Shelborne Road - Carmel
  - Sanitary Sewer at Wellington Trace Subdivision – Noblesville
  - Westmont, Section One - Carmel

**Present**

- Christine Altman, Commissioner
- Steven C. Dillinger, Commissioner
- Steven A. Holt, Commissioner
- Robin M. Mills, Auditor
- Fred Swift, Administrative Assistant to Commissioners
- Dawn Coverdale, Chief Deputy Auditor
- Michael Howard, Attorney
- Darren Murphy, Attorney
- Doug Carter, Sheriff
- Brad Davis, Highway Director
- Jim Neal, County Highway Engineer
- Joel Thurman, Highway Project Engineer
- Amber Emery, Administrative Assistant to Engineer
- Dave Lucas, Highway Staff Engineer
- Robert Chadwell, Highway Inspector
- Mark Fisher, Highway Project Engineer
- Christopher Burt, Highway Engineering Technician
- Tim Knapp, Highway Right-of-Way Manager
- Matt Knight, Highway Bridge Program Engineer
- Faraz Khan, Highway Staff Engineer
- Kathy Howard, Highway Department Administrative Manager
- Bob Davis, Highway Superintendent
- Brandi Wariner, Highway Department
- Tania E. Lopez, Indy Star
- Rob Borders, Daily Times
- John Barbee, Envoy, Inc.
- Becki Wise-Kent, USI
- Floyd Burroughs, FEBA
- Allen Patterson, Parks Department
- Larry Dawson, Envoy, Inc.
- John Elmer, Insurance Committee
- David Emergency Management
- BJ Casali, ISSD
- Scott Warner, Buildings & Grounds

**APPROVED**  
**HAMILTON COUNTY BOARD OF COMMISSIONERS**

**ATTEST**

Robin M. Mills, Auditor